

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DONNA SIMS 100 Thornwood Drive Marlton, NJ 08053	: : : : : : : : : : : :	CIVIL ACTION NO. JURY TRIAL DEMANDED
Plaintiff		
v.		
FREDERICK WISE, III 2518 Brahms Boulevard Dayton, OH 45449		
Defendant		

CIVIL ACTION COMPLAINT

I. PARTIES

1. Plaintiff, Donna Sims, is an adult individual currently residing at 100 Thornwood Drive, Marlton, New Jersey 08053 and is a citizen of the Commonwealth of Pennsylvania.
2. Defendant, Frederick Wise, III, is an adult individual currently residing at 2518 Brahms Boulevard, Dayton, Ohio 45449 and is a citizen of the State of Ohio.

II. JURISDICTION AND VENUE

3. The Court has jurisdiction over the lawsuit under 28 U.S.C. Section 1332 because Plaintiff and Defendants are deemed citizens of different states and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.
4. Venue is proper in the United States District Court for the Eastern District of Pennsylvania, under 28 U.S.C. Section 1391.

III. FACTS

5. On or about October 5, 2018, Plaintiff, Donna Sims, was the owner and operator of a motor vehicle, which, while stopped for traffic on I-476 in Lower Macungie Township, County of Lehigh, Commonwealth of Pennsylvania, when she was struck in the rear by the vehicle owned and operated by Defendant, Frederick Wise, III, causing severe and permanent injury to Plaintiff, as is set forth more fully at length below.

6. At all relevant times hereto, Defendant acted by and through his agents, work persons, employees and/or servants then and there acting within the course and scope of their authority, duties and/or employment for Defendant.

7. This accident was caused solely from the negligence and carelessness of Defendant and was in no manner whatsoever due to any act of negligence on the part of Plaintiff.

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8. Plaintiff, Donna Sims, hereby incorporates Paragraphs 1-7 as if same were set forth at length herein.

9. The negligence and carelessness of Defendant herein consisted of any and all of the following:

- (a) failure to properly operate said vehicle;
- (b) failure to apply brakes sufficiently in time to avoid an accident;
- (c) failure to properly calculate distance of vehicle with respect to other vehicles on the road;
- (d) failure to drive at a reasonable speed;
- (e) failure to remain in a single lane;
- (f) failure to be aware of other vehicles on the roadway;
- (g) failure to remain in control of the vehicle;
- (h) failure to use all prudent and necessary care for vehicular travel under the circumstances;
- (i) failure to maintain an assured clear distance from Plaintiff's vehicle;

- (j) violating applicable sections of Title 75 and /or ordinances and codes for the Commonwealth of Pennsylvania and such other statutes and case law governing the operation of motor vehicles on the streets and highways; and
- (k) such other acts of negligence and carelessness as may be adduced through discovery or at trial.

10. Due to all foregoing, Plaintiff, Donna Sims, suffered severe, permanent, and disabling personal injuries to the bones, muscles, nerves, tendons, tissues, discs, and blood vessels of her body as well as severe emotional upset, any and all of which are or may be permanent and all of which caused her great physical pain and mental anguish, with respect to the following, including but not limited to: multilevel cervical, thoracic and lumbar disc pathology requiring epidural and facet injections as well as radiofrequency ablations, C6 and S1 radiculopathy, cervical/thoracic/lumbar/bilateral shoulder/right wrist/right hand sprain and strain, internal injuries of an unknown nature, severe aches, pains, mental anxiety and anguish, severe shock to her entire nervous system, exacerbation of all known and unknown pre-existing medical conditions, if any, and other injuries that will represent a permanent loss of Plaintiff's bodily functioning that substantially impairs Plaintiff's ability to perform her daily life activities, and the full extent of which is not yet known.

11. As a further result of the said accident, Plaintiff has suffered severe pain, mental anguish, humiliation, and embarrassment, and she will continue to suffer same for an indefinite period of time in the future.

12. As a further result of the said accident, Plaintiff has and will probably in the future, be obliged to receive and undergo medical attention, which was or will be reasonable and necessary arising from the aforesaid accident and will otherwise incur various expenditures for the injuries she has suffered.

13. As a further result of the said accident, Plaintiff has incurred medical expenses that were reasonable, necessary, and causally related to the aforesaid accident as a result of the injuries she sustained in this accident.

14. As a further result of the said accident, Plaintiff has been unable to attend to her daily chores, duties, and occupations, and she will be unable to do so for an indefinite time in the future, all to her great financial detriment and loss.

15. As a further result of the said accident, Plaintiff has and will suffer severe loss of her earnings and/or impairment of her earning capacity.

WHEREFORE, Plaintiff, Donna Sims, demands judgment in her favor and against Defendant, Frederick Wise, III, for compensatory damages in excess of seventy-five thousand dollars (\$75,000.00) together with interest and costs of suit.

SCHATZ & STEINBERG, P.C.



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